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| APPLICATION NO.       | FI         | LING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |  |
|-----------------------|------------|--------------|----------------------|---------------------|------------------|--|
| 09/461,492            | 12/14/1999 |              | STEVEN M. ARMSTRONG  | NTL-3.2.086/        | 3881             |  |
| 34845                 | 7590       | 06/09/2004   |                      | EXAM                | EXAMINER         |  |
|                       |            | CGUINESS & M | ZIA, S               | ZIA, SYED           |                  |  |
| 125 NAGOO<br>ACTON, M |            |              |                      | ART UNIT            | PAPER NUMBER     |  |
| ,                     |            |              |                      | 2131                | <u> </u>         |  |

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action    09/461,492  |   |   |  |
|--|---|---|--|
| Examiner Seed Zia 2131  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 17 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Motice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)]  The period for reply expires  |   | Application No.   | Applicant(s)   |
| Examiner   Syed Zia   2:131  | Advisory Action   | 09/461,492  | ARMSTRONG ET AL.   |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address −  THE REPLY FILED 17 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be either. (1) a timely filed doment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Molice of Appeal (with appeal fee); or (3) a timely filed Molice of Appeal (with appeal fee); or (3) a timely filed Molice of Appeal (with appeal fee); or (3) a timely filed Request for Continued examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b.]  a) The period for reply expires  |   | Examiner  | Art Unit   |
| THE REPLY FILED 17 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.136 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued examination (RCE) in compliance with 37 CFR 1.134.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expiresmonths from the mailing date of the final rejection.  DIA The period for reply expires on: (1) the mailing date of the final rejection. ONLY OFLECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAR REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension on under 37 CFR 1.136(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Critical one under 37 CFR 1.136(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Critical extensions of under 37 CFR 1.136(a) and the appropriate extension one under 37 CFR 1.136(a) and provided any expert extension one under 37 CFR 1.136(a) and provided any expert extension one under 37 CFR 1.136(a) and the appropriate extension one under 37 CFR 1.136(a) are statutory period for reply originally set in the final Critical extensions of time and provided any expert extension one under 37 CFR 1.136(a) and the appropriate extension one under 37 CFR 1.136(a) or any extension thereof C77 CFR 1.191(d), to avoid dismissal of the final rejection, even if intelligent the proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  ( |   | Syed Zia  | 2131   |
| Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a innal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.    PERIOD FOR REPLY [check either a) or b]   | The MAILING DATE of this communication appe   | ars on the cover sheet with the o   | correspondence address   |
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| b)   | PERIOD FOR RE   | PLY [check either a) or b)]   |  |
| no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TYMO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply origina by in the final Origio action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if immely filed, may reduce any earned patent term adjustment. See 37 CFR 1.740(d)), to avoid dismissal of the appeal.  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Attachment.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachm                | · <u> </u>  |   |  |
| the have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if immly filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. □ A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. □ The proposed amendment(s) will not be entered because:  (a) □ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) □ they raise the issue of new matter (see Note below);  (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) □ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Attachment.  3. □ Applicant's reply has overcome the following rejection(s):  4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.  6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(               | no event, however, will the statutory period for reply expire to ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS   | ater than SIX MONTHS from the mailin  | g date of the final rejection.   |
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| <ul> <li>(b) ☐ they raise the issue of new matter (see Note below);</li> <li>(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Attachment.</li> <li>3.☐ Applicant's reply has overcome the following rejection(s):</li> <li>4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachement.</li> <li>6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: None.  Claim(s) objected to: None.  Claim(s) rejected: 1-43.  Claim(s) withdrawn from consideration: None.  8.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.</li> <li>9.☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)</li> </ul>   | 2. The proposed amendment(s) will not be entered be   | ecause:   |  |
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| Claim(s) objected to: <u>-None-</u> .  Claim(s) rejected: <u>1-43</u> .  Claim(s) withdrawn from consideration: <u>-None-</u> .  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)   | The status of the claim(s) is (or will be) as follows:  | ,   |  |
| Claim(s) rejected: <u>1-43</u> .  Claim(s) withdrawn from consideration: <u>-None-</u> .  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  | Claim(s) allowed: <u>-None-</u> .   |   |  |
| Claim(s) withdrawn from consideration: <u>-None-</u> .  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  | · · · ——  |   |  |
| Claim(s) withdrawn from consideration: <u>-None-</u> .  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  | Claim(s) rejected: <u>1-43</u> .  |   |  |
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|  |   |   |  |
|  |   |   | <del></del>  |
|  | To  |   |  |

Application/Control Number: 09/461, 492

Art Unit: 2131

## Attachment to Advisory Action

- 1. This office action is in response to after-final amendment filed on May 17, 2004 (Paper No. 17). Original application contained Claims 1-30. Applicant previously added new Claims 31-43. Applicant amended Claims 1, 13, and 22. The amendment filed on May 17, 2004 (Paper No. 17) have not been entered and not made of record. Therefore, presently pending claims are 1-43.
- 2. Applicant's request for consideration has been fully considered but they are not persuasive because of the following reasons:

Applicant amended independent claims. These amendments require further consideration because either scope of the claims has been changed when interpreting existing claim limitation in conjunction with amended limitation, or amanedement does not place the application in condition for allowance, some examples are:

Claim 1 limitation d line 9) "determining presence information for the watched... in active communication... multiple access network";

Claim 1 limitation e, line 11) "selecting... associated with .. identified as being... access network...";

Claim 1 limitation f, line 16) "selectively forwarding... wherby quickly contacting... be facilitated and controlled".

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Claim 13 limitation b, line 4) "wherein said processor... devices assocaited with at least two

different access networks";".

Claim 13 limitation e, line 13) "wherein said plurality of gateways... including which... access

networks; and"

Claim 22 limitation c, line 12) "gatwways means coupled between said procesor means and

said plurality access netorks... including which of the devices is in active aommunication...

access networks; and"

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The

examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-746-7240.

SZ

June 02, 2004

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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